

# **Senate File 449 - Introduced**

SENATE FILE 449  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 152)

## **A BILL FOR**

1 An Act relating to the procedures and requirements for  
2 condemnation of property and for disposition of certain  
3 condemned property and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6B.2C, Code 2015, is amended to read as  
2 follows:

3 **6B.2C Approval of the public improvement.**

4 The authority to condemn is not conferred, and the  
5 condemnation proceedings shall not commence, unless the  
6 governing body for the acquiring agency approves a preliminary  
7 or final route or site location of the proposed public  
8 improvement, approves the use of condemnation, and finds that  
9 there is a reasonable expectation the applicant will be able  
10 to achieve its public purpose, comply with all applicable  
11 standards, and obtain the necessary permits.

12 Sec. 2. Section 6B.56, subsection 1, Code 2015, is amended  
13 to read as follows:

14 1. If all or a portion of real property condemned pursuant  
15 to this chapter is not used for the purpose stated in the  
16 application filed pursuant to section 6B.3 and the acquiring  
17 agency seeks to dispose of the unused real property, the  
18 acquiring agency shall first offer the unused real property for  
19 sale to the prior owner of the condemned property as provided  
20 in this section. If real property condemned pursuant to this  
21 chapter is used for the purpose stated in the application filed  
22 pursuant to section 6B.3 and the acquiring agency seeks to  
23 dispose of the real property by sale to a private person or  
24 entity within five years after acquisition of the property, the  
25 acquiring agency shall first offer the property for sale to  
26 the prior owner of the condemned property as provided in this  
27 section. For purposes of this section, the prior owner of the  
28 real property includes the successor in interest of the real  
29 property.

30 Sec. 3. Section 6B.56, subsection 2, paragraph a, Code 2015,  
31 is amended to read as follows:

32 a. Before the real property described in subsection 1  
33 may be offered for sale to the general public, the acquiring  
34 agency shall notify the prior owner of ~~the~~ such real property  
35 ~~condemned~~ in writing of the acquiring agency's intent to

1 dispose of the real property, of the current appraised value  
2 of the real property to be offered for sale, and of the prior  
3 owner's right to purchase the real property to be offered for  
4 sale within sixty days from the date the notice is served  
5 at a price equal to the current appraised value of the real  
6 property to be offered for sale or the fair market value of the  
7 property to be offered for sale at the time it was acquired by  
8 the acquiring agency from the prior owner plus cleanup costs  
9 incurred by the acquiring agency for the property to be offered  
10 for sale, whichever is less. However, the current appraised  
11 value of the real property to be offered for sale shall be the  
12 purchase price to be paid by the previous owner if any other  
13 amount would result in a loss of federal funding for projects  
14 funded in whole or in part with federal funds. The notice sent  
15 by the acquiring agency as provided in this subsection shall  
16 be filed with the office of the recorder in the county in which  
17 the real property is located.

18 Sec. 4. Section 6B.56A, subsection 1, Code 2015, is amended  
19 to read as follows:

20 1. When five years have elapsed since property was condemned  
21 and all or a portion of the property has not been used for the  
22 purpose stated in the application filed pursuant to section  
23 6B.3, and the acquiring agency has not taken action to dispose  
24 of the unused property pursuant to section 6B.56, the acquiring  
25 agency shall, within sixty days, adopt a resolution reaffirming  
26 the purpose for which the property will be used or offering the  
27 property for sale to the prior owner at a price as provided in  
28 section 6B.56. If the resolution adopted approves an offer of  
29 sale to the prior owner, the offer shall be made in writing  
30 and mailed by certified mail to the prior owner. The prior  
31 owner has one hundred eighty days after the offer is mailed to  
32 purchase the property from the acquiring agency.

33 Sec. 5. APPLICABILITY. The section of this Act amending  
34 section 6B.2C applies to public improvement projects for which  
35 an application under section 6B.3 is filed on or after July 1,

1 2015.

2     Sec. 6. APPLICABILITY. The sections of this Act amending  
3 sections 6B.56 and 6B.56A apply to public improvement projects  
4 for which an application under section 6B.3 is filed before,  
5 on, or after July 1, 2015.

6                                   EXPLANATION

7             The inclusion of this explanation does not constitute agreement with  
8             the explanation's substance by the members of the general assembly.

9     This bill relates to procedures and requirements for  
10 condemning property and for disposing of certain condemned  
11 property.

12     The bill amends Code section 6B.2C by specifying that the  
13 authority to condemn property is not conferred on an acquiring  
14 agency unless the governing body for the acquiring agency first  
15 approves a preliminary or final route or site location of the  
16 proposed public improvement.

17     The bill also amends Code sections 6B.56 and 6B.56A  
18 relating to the disposition of condemned property by an  
19 acquiring agency. The bill specifies that the requirements  
20 and procedures for property that has not been used for the  
21 purpose stated in the condemnation application, including the  
22 requirement for first offering such property for sale to the  
23 prior owner, also apply to any portion of the property that has  
24 not been used for the purpose stated in the application. The  
25 bill also modifies the provisions of Code section 6B.56 that  
26 govern the price of the unused real property when offered for  
27 sale to the prior owner to specify that such price is to be the  
28 amount applicable to the portion of the unused property that is  
29 being offered for sale.

30     The section of the bill amending Code section 6B.2C applies  
31 to public improvement projects for which an application for  
32 condemnation is filed on or after July 1, 2015.

33     The sections of the bill amending Code sections 6B.56  
34 and 6B.56A apply to public improvement projects for which an  
35 application is filed before, on, or after July 1, 2015.